

DEC 05 2003

p. 1

Dec 05 03 02:16p

Intervet Inc.

934 4305

Telefax Transmittal  
Cover sheetIntervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
(302) 934-8051

December 5, 2003

#25  
Pet. to  
Revoke

6...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
------------	------------------	-------------

Examiner S. Foley

Group Art Unit 1648

703 872 9306

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
--------------	--------------------	-------------

Mark W. Milstead

Intervet, Millsboro  
Patent Department

302 934 4305

RE: USSN 09/839796

Docket Number 2000.552 US

Please accept the documents that follow in the above-identified application:

Petition to Withdraw Holding of Abandonment (3 pages)

Copy of Issue Fee Transmittal from 9/12/2003 (1 page)

Copy of Fax Receipt from 9/12/2003 (1 page)

RECEIVED  
CENTRAL FAX CENTER

DEC 05 2003

OFFICIAL

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.

DEC 05 2003

OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: KADate: 12/5/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
THIEL et al.

Serial No.: 09/839,796                      Group: 1648  
Filed: April 9, 2001                      Examiner: S. Foley  
For: PESTIVIRUS MUTANTS AND VACCINES CONTAINING THE  
SAME

Petition to Withdraw Holding of Abandonment  
Under 37 CFR § 1.181(a)

Commissioner for Patents  
Mail Stop Issue Fee  
Alexandria, VA 22313

December 5, 2003

Sir:

In response to the Notice of Abandonment of November 21, 2003, Applicants respectfully submit the following requests and remarks.

Timely Paid Issue Fee

Applicants respectfully assert that the Issue Fee was timely paid as evidenced by the enclosed Issue Fee Transmittal with Certificate of Transmission dated September 12, 2003 and the fax

Attorney Docket NO. I/2000.552 US

receipt showing the successful transmission of the Issue Fee Transmittal on September 12, 2003.

Applicants have filed this petition under 37 C.F.R. §1.81 within 2 months of the mail date of the Notice of Abandonment. Applicants evidence conforms to 37 C.F.R. §1.8(b) certificate of mailing.

Patent Term Extension

Applicants respectfully request the recalculation of the patent term in light of the delay due to the improper Notice of Abandonment.

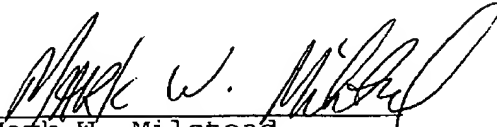
Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2334 for any additional

Attorney Docket NO. I/2000.552 US

fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17;  
particularly extension of time fees.

Respectfully submitted,

  
Mark W. Milstead  
Patent Counsel  
Registration No. 45,825

Attorney Docket NO. I/2000.552 US

Akzo Nobel Pharma  
Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 934-4395  
Fax: (302) 934-4305

Enclosure:

Copy of Issue Fee Transmittal of 9/12/2003  
Copy of Fax Confirmation Receipt of 9/12/2003

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
Alexandria, Virginia 22313-1450  
**Fax** (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 06/13/2003

WILLIAM M. BLACKSTONE  
PATENT DEPARTMENT  
INTERVET INC.  
405 STATE STREET  
MILLSBORO, DE 19966

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

MARK W. MILSTEAD	(Depositor's name)
Mark W. Milstead	(Signature)
September 17, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,796	04/19/2001	Heinz-Jürgen H.J. Thiel	2000.552 US	2897

TITLE OF INVENTION: PESTIVIRUS MUTANTS AND VACCINES CONTAINING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	09/15/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
FOLEY, SHANON A	1648	424-218100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. MARK W. MILSTEAD  
2. WILLIAM M. BLACKSTONE  
3.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

AKZO Nobel NV

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Netherlands

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee  
☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

Mark W. Milstead September 12, 2003

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

PTOL-85 (REV. 05-03) Approved for use through 04/30/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

HP OfficeJet T Series  
Personal Printer/Fax/Copier/Scanner

Fax History Report for  
Intervet Inc.  
934 4305  
Sep 12 2003 10:06am

---

**Last Fax**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 12	10:05am	Sent	917037464000	0:53	1	OK

---

**Result:**

OK - black and white fax  
OK color - color fax